

NOV 15 2000

FILED

November 15, 2000

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Via Messenger

Frederick K. Grittner  
Supreme Court Administrator  
Supreme Court  
305 Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155-6102

Re: **Motion to Consolidate**  
Daniel Gordon v. Microsoft Corporation  
Civil No. 00-5994  
and  
Philip A. Mednick v. Microsoft Corporation  
Civil No. CO-00-1276

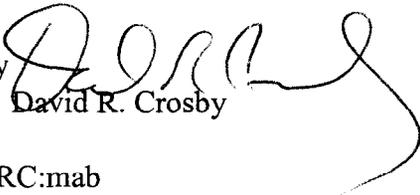
03-00 1454

Dear Mr. Grittner:

Enclosed for filing in the above matter please find the original and four copies of Microsoft Corporation's Notice of Withdrawal of Motion to Transfer and Consolidate Related Cases.

Respectfully submitted,

LEONARD, STREET AND DEINARD

By   
David R. Crosby

DRC:mab  
Enclosures

cc: David E. Krause, Esq. (w/ enc.)  
Richard M. Hagstrom, Esq. (w/ enc.)  
George F. McGunnigle, Esq. (w/ enc.)

**ORIGINAL**

**STATE OF MINNESOTA  
IN SUPREME COURT**

-----  
 )  
 DANIEL GORDON, Individually and )  
 On Behalf of All Others Similarly )  
 Situated, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MICROSOFT CORPORATION, and )  
 DOES 1 through 100, inclusive, )  
 )  
 Defendants. )  
 )  
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Hennepin County District Court  
 Fourth Judicial District  
  
 Civil No. 00-5994  
 The Honorable Bruce A. Peterson

**OFFICE OF  
APPELLATE COURTS**

NOV 15 2000

**FILED**

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 )  
 PHILIP A. MEDNICK, an individual, )  
 on behalf of himself and all others )  
 similarly situated, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MICROSOFT CORPORATION, )  
 a Washington corporation, )  
 )  
 Defendant, )  
 )  
 v. )  
 )  
 JAMES M. BURT and RECLAIM )  
 CENTER, INC., individually and )  
 on behalf of those similarly situated, )  
 )  
 Intervenors. )  
 )  
 -----

Ramsey County District Court  
 Second Judicial District  
  
 Civil No. CO-00-1276  
 The Honorable Dale B. Lindman

**NOTICE OF WITHDRAWAL OF MOTION BY MICROSOFT CORPORATION  
TO TRANSFER AND CONSOLIDATE RELATED CASES**

TO: Plaintiff Daniel Gordon and Intervenors James M. Burt and Reclaim Center, Inc., and their counsel, Richard M. Hagstrom, Esq., ZELLE HOFFMAN VOELBEL & GETTE LLP, City Center, Suite 4400, 33 South Sixth Street, Minneapolis, MN 55402, and Vincent J. Esades, Esq., HEINS MILLS & OLSON, P.L.C., 700 Northstar East, 608 Second Avenue South, Minneapolis, MN 55402; and Plaintiff Philip A. Mednick, and his counsel, James B. Hovland, Esq., KRAUSE & ROLLINS, 310 Groveland Avenue, Minneapolis, MN 55403.

**PLEASE TAKE NOTICE THAT**, as a result of the parties' Stipulation of Dismissal of *Mednick v. Microsoft Corporation*, Ramsey County District Court File No. CO-00-1276 (copy attached), Microsoft Corporation's pending motion before this Court for an order transferring and consolidating the above-captioned cases is moot, and is hereby withdrawn.

Dated: November 15, 2000



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*Counsel for Defendant Microsoft Corporation*

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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

PHILIP A. MEDNICK, an individual,  
on behalf of himself and all others  
similarly situated,  
  
Plaintiff,

) Case No. CO-00-1276

) Judge Dale B. Lindman

vs.

MICROSOFT CORPORATION,  
a Washington corporation,  
  
Defendant,

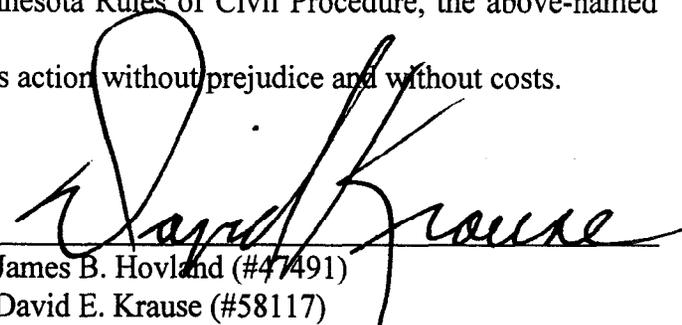
) **STIPULATION FOR DISMISSAL**

vs.

JAMES M. BURT and RECLAIM  
CENTER, INC., individually and  
on behalf of those similarly situated,  
  
Intervenors.

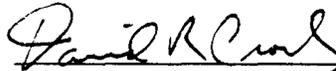
Pursuant to Rule 41.01(a) of the Minnesota Rules of Civil Procedure, the above-named parties hereby stipulate to the dismissal of this action without prejudice and without costs.

Dated: 11-14, 2000

  
James B. Hovland (#47491)  
David E. Krause (#58117)

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310 Groveland Avenue  
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**ATTORNEYS FOR PLAINTIFF PHILIP A. MEDNICK**

Dated: November 15, 2000



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**ATTORNEYS FOR DEFENDANT MICROSOFT  
CORPORATION**

Dated: 11-14, 2000



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John C. Goodnow (Atty. No. 158732)

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**ATTORNEYS FOR INTERVENORS JAMES M.  
BURT AND RECLAIM CENTER, INC.**

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